

Land Perpetual Grant (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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Amend the Acts authorising the making of Grants of Land A.D. 1884.
in perpetuity at variable Rents in Ireland.

WHEREAS it is expedient to amend the Acts authorising the making of grants of land in perpetuity at variable rents in Ireland with respect to the revision and variation of the variable rents payable under such grants:

- 5 And whereas all such revisions and variations are causes of expense and a hindrance to the sale and improvement of such lands:

And whereas the revisions and variations have been in many instances calculated on erroneous principles:

- 10 And whereas it is expedient to confer on limited owners the power to agree to fix a permanent rent of such lands:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
15 by the authority of the same, as follows; (that is to say.)

1. This Act may be cited for all purposes as the Land Perpetual Grant (Ireland) Act, 1884. Short title.

2. In this Act the term "person" includes corporation, whether aggregate or sole; and the term "prescribed period" shall mean the
20 period at the expiration of which a revision of the variable rent may be required, in pursuance of the grant, or of the Act under which the same was made. Interpretation.

3. Where a grant of land in perpetuity in Ireland has been made by or to any person before the passing of this Act under the authority
25 of any Act of Parliament, and under such grant or under the provisions of the Act of Parliament under the authority of which such grant was made, the rent reserved by such grant or any part of such rent is a

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variable rent, and the grantor or the grantee is entitled from time to time and at the expiration of certain periods of time to require the revision of such variable rent, then and in every such case the following provisions shall be in force and have effect with respect to the revision and variation of such variable rent, and the same shall supersede and be in substitution for all and every the provisions in that behalf contained in such grant or in any Act of Parliament under the authority of which any such grant has been made, or the rent payable thereunder has been fixed or varied :

- (a.) In every case where, before the passing of this Act, any revision of the variable rent has taken place in pursuance of the grant or of any Act of Parliament, the grantor or grantee may, at any time within two years after the passing of this Act, serve notice requiring a revision of such variable rent, and in such case the prescribed period then current shall be deemed to have expired at the date day next after the end of six months from the service of such notice ;
- (b.) The grantor or grantee shall be entitled, six months before the expiration of every prescribed period, to require a revision of such variable rent, and in such case the party desiring the revision shall serve notice in writing, in this Act referred to as a "revision notice," of such desire upon the other party ;
- (c.) Whenever the grantor or grantee has served a revision notice, and the grantor and grantee agree within three months after service of such notice as to what shall be the amount of variable rent to be payable during the prescribed period next following, they may fix the amount of the variable rent to be payable during such prescribed period ;
- (d.) Whenever the grantor or grantee has served a revision notice, and the grantor and grantee do not within three months after the service of such notice agree as to what shall be the amount of the variable rent to be payable during the prescribed period next following, then and in every such case the amount of the variable rent to be payable during such prescribed period shall be fixed and determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845, and the costs of such arbitration shall in all cases be in the discretion of the arbitrators or umpire ;
- (e.) Before fixing the variable rent of any lands, the arbitrators shall take evidence as to the letting value of land of the same character in the county or district in which such lands are situate, and such value is herein-after referred to as "the present letting value ;"

and they shall take evidence as to the letting value of land of the same character in the said county or district at or about the time when the grant was made, and such letting value is herein-after referred to as "the former letting value;"

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- 5 and they shall, in their award, preserve the same proportion between the present letting value and the variable rent to be paid by the grantee until the next revision as existed between the former letting value and the variable rent payable by the grantee immediately after the making of the grant:
- 10 Provided always, that the grantor shall not be awarded any increase of rent by reason of any increase in the letting value of land in the county or district, which is due to any buildings or improvements, except in so far as the grantor has contributed to the same:
- 15 Provided also, that the arbitrators shall not, in their award, in any case reduce the variable rent to be paid to the grantor below the original variable rent reserved in the grant, and shall not increase the said rent in any case to a sum greater than the said original rent, plus twenty per cent.;
- 20 and such varied, increased, or diminished yearly rent so to be fixed by the arbitrators shall, when so fixed by them, be the rent payable under said grant until the same shall be again varied, increased, or diminished pursuant to the provisions contained in such grant and the provisions of this Act.

- 25 4. The preceding provisions shall extend and apply as well to the under-tenants and occupying tenants of any grantee as to such grantee, where the rent or part of the rent payable by such under-tenants and occupying tenants in respect of any lands is a variable rent subject to revision in like manner, and subject to the like
- 30 provisions as the variable rent payable by the grantee in respect of such lands, or in respect of such lands together with other lands, and for the purpose of such application the grantee and the under-tenant or occupying tenant shall be deemed to be respectively the grantor and grantee: Provided, however, that no such under-tenant
- 35 or occupying tenant shall take any proceeding under this Act unless the rent payable by his immediate grantor shall have been varied pursuant to this Act.

Provisions to apply to under-tenants of grantee where rent variable and subject to revision.

5. Any limited owner, as defined by the Landlord and Tenant (Ireland) Act, 1870, may agree with his grantee to fix a permanent
- 40 rent upon such terms as may be agreed.

Limited owner and his grantee may agree to fix permanent rent.

